

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 286 be amended to read as follows:

- 1 Page 2, between lines 2 and 3, begin a new paragraph and insert:
- 2 "SECTION 2. IC 6-1.1-12-9, AS AMENDED BY P.L.272-2003,
- 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JANUARY 1, 2005]: Sec. 9. (a) An individual may obtain a deduction
- 5 from the assessed value of the individual's real property, or mobile
- 6 home or manufactured home which is not assessed as real property, if:
- 7 (1) the individual is at least sixty-five (65) years of age on or
- 8 before December 31 of the calendar year preceding the year in
- 9 which the deduction is claimed;
- 10 (2) the combined adjusted gross income (as defined in Section 62
- 11 of the Internal Revenue Code) of:
- 12 (A) the individual and the individual's spouse; or
- 13 (B) the individual and all other individuals with whom:
- 14 (i) the individual shares ownership; or
- 15 (ii) the individual is purchasing the property under a contract;
- 16 as joint tenants or tenants in common;
- 17 for the calendar year preceding the year in which the deduction is
- 18 claimed did not exceed ~~twenty-five~~ **thirty-five** thousand dollars
- 19 ~~(\$25,000); (\$35,000);~~
- 20 (3) the individual has owned the real property, mobile home, or
- 21 manufactured home for at least one (1) year before claiming the
- 22 deduction; or the individual has been buying the real property,
- 23 mobile home, or manufactured home under a contract that
- 24 provides that the individual is to pay the property taxes on the real

property, mobile home, or manufactured home for at least one (1) year before claiming the deduction, and the contract or a memorandum of the contract is recorded in the county recorder's office;

(4) the individual and any individuals covered by subdivision (2)(B) reside on the real property, mobile home, or manufactured home;

(5) the assessed value of the real property, mobile home, or manufactured home does not exceed one hundred forty-four thousand dollars (\$144,000); and

(6) the individual receives no other property tax deduction for the year in which the deduction is claimed, except the deductions provided by sections 1, 37, and 38 of this chapter.

(b) Except as provided in subsection (h), in the case of real property, an individual's deduction under this section equals the lesser of:

(1) one-half ($1/2$) of the assessed value of the real property; or

(2) six thousand dollars (\$6,000).

(c) Except as provided in subsection (h) and section 40.5 of this chapter, in the case of a mobile home that is not assessed as real property or a manufactured home which is not assessed as real property, an individual's deduction under this section equals the lesser of:

(1) one-half ($1/2$) of the assessed value of the mobile home or manufactured home; or

(2) six thousand dollars (\$6,000).

(d) An individual may not be denied the deduction provided under this section because the individual is absent from the real property, mobile home, or manufactured home while in a nursing home or hospital.

(e) For purposes of this section, if real property, a mobile home, or a manufactured home is owned by:

(1) tenants by the entirety;

(2) joint tenants; or

(3) tenants in common;

only one (1) deduction may be allowed. However, the age requirement is satisfied if any one (1) of the tenants is at least sixty-five (65) years of age.

(f) A surviving spouse is entitled to the deduction provided by this section if:

(1) the surviving spouse is at least sixty (60) years of age on or before December 31 of the calendar year preceding the year in which the deduction is claimed;

(2) the surviving spouse's deceased husband or wife was at least sixty-five (65) years of age at the time of a death;

(3) the surviving spouse has not remarried; and

1 (4) the surviving spouse satisfies the requirements prescribed in
 2 subsection (a)(2) through (a)(6).

3 (g) An individual who has sold real property to another person under
 4 a contract that provides that the contract buyer is to pay the property
 5 taxes on the real property may not claim the deduction provided under
 6 this section against that real property.

7 (h) In the case of tenants covered by subsection (a)(2)(B), if all of
 8 the tenants are not at least sixty-five (65) years of age, the deduction
 9 allowed under this section shall be reduced by an amount equal to the
 10 deduction multiplied by a fraction. The numerator of the fraction is the
 11 number of tenants who are not at least sixty-five (65) years of age, and
 12 the denominator is the total number of tenants."

13 Page 23, between lines 2 and 3, begin a new paragraph and insert:

14 "SECTION 18. [EFFECTIVE JANUARY 1, 2005] **IC 6-1.1-12-9,**
 15 **as amended by this act, applies to property taxes first due and**
 16 **payable after December 31, 2004."**

17 Renumber all SECTIONS consecutively.

(Reference is to ESB 286 as printed February 20, 2004.)

Representative Welch